

PLANNING COMMISSION MINUTES OF July 8, 2020
6:00 PM Council Chambers
745 Center Street, Milford, OH 45150

The Planning Commission of the City of Milford met in regular session on the evening of Wednesday, July 8, 2020, at Council Chambers, 745 Center Street, Milford, OH 45150.

Roll Call:

Lois McKnight called the Planning Commission meeting to order at 6:00 PM. Other members present at tonight's meeting are Dino Pelle, John Brumleve, Lisa Evans, and John Wenstrup.

Staff: Pam Holbrook, Asst. City Manager; Tim Casto, City Engineer

Visitors: See attached Sign In Sheet.

Ms. McKnight: Welcome to all of you in the audience and those of you that may be watching via Zoom. We originally had three items on our agenda. Item five Site, 20-14 Hacker Warehouse site plan review at 791 US 50 will not be considered this evening. For each of our cases, we will ask the Staff to present the case. There'll be an opportunity for Planning commission members to ask questions of Staff. We will then allow the applicant to present their case. Planning Commission members will then be able to ask questions of the applicant. Once the applicant has completed, we will open the floor to those of you in the room. And then we'll open the floor to those that are watching on Zoom. We ask that you come to the microphone, state your name, and address and make any comments or questions you have regarding the application. Some of you may find that other speakers have already noted something that you were going to say. We're happy to have you come to the podium and reiterate that you agree with what's been said. We want to get all the information that we can to make the best decision possible this evening.

REZ 20-01 Milford South Phase 2 Zone Change and Planned Development Overlay

Ms. Holbrook read the Staff Report into the record:

Project: Milford South Phase 2 Zone Change and Planned Development Overlay

Location: 777 Garfield Avenue

Property Owner: Milford Schools
777 Garfield Avenue
Milford, OH 45150

Applicant: Commercial Development Services Group (CDSG)
Paul Schirmer
1009 Delta Avenue
Cincinnati, OH 45208

Acreage: 6.4 Acres of a 13.59 acre parcel

Tax Parcel Id: 210729.026P

Existing Zoning: R-2 Single Family Residential District

Proposed Zoning: R-4 Multi-Family Residential District with a Planned Development Overlay

ADJACENT LAND USE AND ZONING

North: R-3 Single Family Residential District

East: R-3 Single Family Residential District;

West: R-3 Single Family Residential District;

South: Valley View, R-2 Single Family Residential District,

PROPOSAL

The Planning Commission will hold a Public Hearing to review a zone change and a Planned Development application submitted by CDSG per Section 1133.02 of the Milford Zoning Ordinance. CDSG is requesting a zone change from "R-2, Single-Family Residential District" to "R-4, Multi-Family Residential District" with a Planned Development Overlay to a portion of parcel # 210729.026P. The applicant is proposing to convert the school building to six townhouse units and construct fourteen duplex units on 6.49 acres.

PROCESS

Following the public hearing, the Planning Commission:

- May recommend the application be granted as requested;
- May recommend a modification of the zoning change requested;
- May recommend the application not be granted.

After receiving the Planning Commission recommendation, the City Council will hold a public hearing. The Council public hearing is scheduled for August 18 at 7 PM in City Council Chambers. Following the public hearing and after reviewing the recommendation of the Planning Commission, Council shall vote on the proposed zone change. Council may overrule the Planning Commission recommendation by a two-thirds vote of the full membership of Council.

If the Council approves the Zone Change and the Planned Development request, the applicant will be required to submit a Final Development Plan to Planning Commission for review and approval. The Final Development Plan will include items such as final grading plan, site plans, elevation, floor plans, and a detailed landscaping plan. The applicant has one year to begin construction once a Final development plan is approved; otherwise, the Plan becomes void.

ZONE CHANGE ANALYSIS

Background

City Council approved Ordinance 18-1368 on May 15, 2018, rezoning the Milford South property from Institutional zoning to R-2 Single Family residential zoning. City Council initiated the request for the zone change to ensure that future development includes a residential use rather than leave the parcel open for development as an Institutional land use.

On November 13, 2019, Planning Commission approved a Preliminary Subdivision Plat submitted by CDSG to permit the construction of twenty single-family lots on a portion of the 13.59-acre lot. The Preliminary Subdivision Plat is referred to as 'Milford South Phase 1' or 'Phase 1' in this Staff Report. The Preliminary Subdivision Plat process is regulated by Chapter 1105 in the Subdivision Regulations and requires approval by the Planning Commission. The applicant is required to submit a Final Plat to

Planning Commission for approval, which shall reflect all changes as outlined in the approval letter dated November 15, 2019. Construction of the Phase 1 plan may not begin until a Final Plat is recorded at the Clermont County Auditor's office.

Comprehensive Plan

The Comprehensive Plan, updated in 2017, provides a long term view for planning the future of the community. Page 3 of the Plan states, "It is important for citizens to realize that while the Plan is important, it is not a strict regulating document. Rather, it is a policy document used by City Staff, Planning Commission, and City Council to guide decisions about such issues as rezoning proposals..."

The Existing Zoning Analysis shows that a large portion of the property in Milford is zoned Institutional and R-2 Single Family Residential district amounting to about 45% of the existing districts. Existing land use includes 20% single family, 1% two-family, less than 1% as 3-family, and 8% multi-family residential.

EXISTING ZONING ANALYSIS

The chart on this page identifies the breakdown of the various zoning districts by both area (in acres) and percentage of the total land area. 45% of the City is zoned for some type of residential land use with single family residential leading the way among all residential use types at 41% of the total City area. Another 31% of the City area is comprised of some type of commercial, industrial or office zoning district. Milford also features a large percentage of land area dedicated to an institutional zoning district. This is a fairly high percentage of institutional zoned land area based on the overall size of the City. This is one reason why the recommended redevelopment strategies discussed later in this plan are critically important to ensure a well-balanced and sustainable revenue stream is created for the long term.

Existing Zoning Districts	Area (acres)	%
R-1 (Large Lot Residential District)	150 ac	7%
R-2 (Single Family Residential District)	472 ac	22%
R-3 (Single Family Residential District)	253 ac	12%
R-4 (Multi-Family Residential District)	48 ac	2%
R-5 (Multi-Family Apartment Complex)	52 ac	2%
B-2 (Downtown Mixed Use District)	33 ac	2%
B-2 (Old Mill Overlay District)	33 ac	2%
B-3 (General Business District)	321 ac	15%
B-5 (Special Business District)	18 ac	1%
I (Institutional)	497 ac	23%
O (Office District)	40 ac	2%
L-1 (Light Industry District)	196 ac	9%
F (Floodplain)	14 ac	1%

EXISTING LAND USE ANALYSIS

The existing land use map presents a snapshot in time of how all the properties within the City of Milford are currently being used. Examining existing land use conditions including general distribution, location, and intensity of uses provides a framework for other elements of the Comprehensive Plan. It is important to recognize and preserve the existing City of Milford character while blending in land use transformations meant to achieve the goals outlined in this plan. Ultimately, this chapter will identify several areas in the City designated for future changes in land use and outline policy directives for quality of life enhancements.

Existing Land Use	Area (acres)	Percentage
2 Family	9 ac	1%
3 Family	1 ac	0%
Multi-Family Residential	167 ac	8%
Flood Area	14 ac	1%
General Commercial	263 ac	12%
Institutional	270 ac	13%
Light Manufacturing	134 ac	6%
Mobile Home Park	27 ac	1%
Office	80 ac	4%
Parking Lot	1 ac	0%
Parks & Recreation	493 ac	23%
Single Family	418 ac	20%
Traditional Neighborhood Residential	115 ac	5%
Vacant	132 ac	6%

Page 13 of the Comprehensive Plan describes several types of residential Future Land Uses.

Single Family Residential

This future land use designation is strictly single housing units located on various size lots that reflect the style of modern day subdivisions. These developments typically have similar style homes, larger building setbacks from the road and attached garages.

Cluster Housing

Due to several environmental conditions such as floodways and steep topography in the area north of the East Fork River and east of South Milford, development of typical single family homes would be difficult and expensive. In response to these physical challenges, cluster housing would allow a developer to build the same number of units as permitted currently but on only a small portion of the area preventing structures from being built in the floodway or floodplain of the East Fork River.

Traditional Residential

This future land use designation is created due to the historically unique neighborhoods of South Milford and East Milford. It is vital that the City preserve these two neighborhoods as well as expanding them where appropriate. Houses should be situated closer to the roads and sidewalks, garages should be detached from the main structure, and new home construction should resemble the character of existing housing styles in the areas.

Multi-Family Residential

Milford currently has several multi-family residential developments within the city. These existing apartments and apartment complexes have been preserved as multi-family areas in the future Land Use Plan. This Plan is not suggesting the addition of any additional straight zoned multi-family residential development in the City. This Comprehensive Plan does recommend that additional multi-family development occur as an integral part of future mixed-use developments along the targeted corridor areas. This Plan further recommends that these mixed-use areas be designed under a planned unit development zoning framework to provide the most flexibility in layout and design while providing a higher quality and more efficient development pattern for the City.

The Plan identifies several strategies that can be utilized by the City for future development; these strategies include adaptive reuse and low impact development. Adaptive reuse is the repurposing of existing buildings into sustainable new uses and modern functions. Low impact development helps to minimize the amount of untreated stormwater runoff leaving the site. The Plan states, "Innovative planning can result in a site yielding the same number of houses or buildings, but with significantly less impervious area."

The Comprehensive Plan serves as a long-term guide for the community. It helps City leaders make decisions about the location, scale, and quality of new development. The Plan represents the vision as defined by the Steering Committee in 2017. The Steering Committee's vision for the Milford south property was as a residential use. The Committee's vision is supported by the Council's Zone change to the Milford South property to R-2 in 2018.

Analysis

The subject site is currently zoned R-2 single-family residential zoning. The applicant indicates he would be permitted to construct up to twenty-eight single-family homes in the R-2 district. The Staff has not seen a plan showing single-family homes on Phase 2 and notes that Phase 2 does not include a public right of way but includes several detention systems.

The applicant is seeking a zone change to the R-4 Multi-family Residential district. The purpose of the R-4 Multi-family residential district is to provide for small scale attached housing that includes townhomes, condominiums, and other multi-family dwellings that are not part of a larger complex. Small scale multi-family dwellings and duplex units are permitted uses in the R-4 zoning district. The addition of a Planned Development Overlay allows the City to control the quality of the development while enabling flexibility in the zoning standards.

Staff's initial discussions considered the need to incorporate an R-4 and R-5 zoning district, and that is why the R-5 zoning district is referenced on their site plan and narrative. However, after further review, the Staff recommends that the zone change be limited to R-4 Multi-family Residential District with the Planned Development Overlay, which ensures a small scale development. Staff recommends the site plan and narrative be adjusted for City Council submittal. A significant concern for the City is the ratio of owner-occupied homes versus rentals. The 2018 American Community Survey prepared by the US

Census Bureau estimates 3,177 total households in Milford; 51.4% are owner-occupied, and 48.6% are renter occupied. This ratio is higher in Milford than in surrounding communities. It has been a goal of City leaders to encourage homeownership when reviewing future developments. Homeownership is an investment in the community and helps create stable neighborhoods.

	Total		Married-couple family household		Male householder, no wife present
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Households with one ...	25.8%	+/-4.2	45.2%	+/-8.8	62.7%
Households with one ...	41.3%	+/-5.2	32.7%	+/-8.8	17.3%
Householder living ...	44.5%	+/-5.9	(X)	(X)	(X)
65 years and over	20.9%	+/-4.9	(X)	(X)	(X)
UNMARRIED PARTNE...					
Same sex	0.6%	+/-1.0	(X)	(X)	(X)
Opposite sex	4.6%	+/-2.8	(X)	(X)	(X)
UNITS IN STRUCTURE					
1-unit structures	49.3%	+/-5.4	82.9%	+/-7.4	52.0%
2-or-more-unit structa...	48.3%	+/-5.2	11.4%	+/-5.6	48.0%
Mobile homes and all ...	2.4%	+/-1.7	5.7%	+/-5.1	0.0%
HOUSING TENURE					
Owner-occupied hous...	51.4%	+/-5.3	88.6%	+/-7.0	38.7%
Renter-occupied hous...	48.6%	+/-5.3	11.4%	+/-7.0	61.3%

PLANNED DEVELOPMENT ANALYSIS

The regulations in Section 1169.03 of the Milford Zoning Ordinance control the Residential Planned Development:

Permitted Uses. The applicant is proposing seven, two-family dwelling units and six townhouse units, and both unit types are permitted in the R-4 district. The Zoning Ordinance defines Multi-family dwellings as 'a dwelling designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.' 1149.02.C states that Multi-family dwellings with no more than four units are permitted in the R-4 district. The Ordinance does not clarify whether the four units are to be interpreted as four units per acre. Staff feels the six townhouses, are considered attached single-family homes and comply with the spirit and intent of the Ordinance.

Project Area. The project area is used to determine the permitted number of units. It includes the area used to serve the residential use, excluding floodway and right of way. Phase 2 is 6.438 acres and includes all land areas. Note the private drive is not considered right of way and would not be maintained by city services.

Density Calculation. The density is determined by dividing the project area by the required lot area. If the zoning were to remain as an R-2 zoning district, the required lot area is 10,000 square feet. The following table shows the different dwelling unit breakdown in relation to each zoning district:

Zoning District	Area SF	Units Allowed	Units Provided
R-2 (10,000 SF Lots)	280,434	28	NA
R-4 Duplexes (12,000 SF Min. Lot area)	203,632	17	14
R-4 MF (16,000 SF Min. Lot area)	76,802	5	6

General Guidelines.

The Council's intent when rezoning this parcel was to make the land use residential rather than leave the zoning as Institutional. Staff agrees with the analysis provided by the applicant and believes this development is consistent with the goals and objectives of Milford's Land Use Plan.

The applicant provides a unified treatment of the development, and the design will preserve streams, wooded cover, and terrain. The proposed development should help alleviate some of the stormwater issues that exist for the surrounding neighborhood by providing a coordinated plan to manage the water runoff.

All the City Departments have reviewed the Plan. The City can provide water, sewer, and safety services to the property. Access to the Development is provided by a private drive and turn arounds. City maintenance will not be provided to a private driveway. The Fire Department recommends that the private drive width be consistent to the end of the drive.

Spacing and Building Height.

The applicant appears to meet the minimum building height of 35 feet, as specified in the R-4 district. The townhouses are 22' 6," and the duplexes are 23' 2" from grade to roof ridge. All building spacing conforms with R-4 Zoning requirements.

Peripheral Setbacks.

The applicant meets the rear setback requirement of 25' as specified in the R-4 zoning district.

Common Open Space Requirements.

Common open space should comprise up to 20% of the project area. The applicant has provided approximately 64% of the Phase 2 site as open space. The total site 6.438 acres, and the applicant indicates that 4.115 acres is open space. The common open space will be used to manage the stormwater and includes landscape mounds and detention basins. The City does not wish to assume responsibility for the maintenance of these structures. Staff recommends that the Maintenance plan be submitted, showing the restrictions governing the use, improvement, and maintenance of the common open space and authorize the City to enforce the provisions.

Screening.

The screening will be a combination of existing vegetation, landscape mounds, and landscaping.

Traffic Impact Study.

As required in the application for the Preliminary Development Plan, the applicant has provided a Traffic Impact Study, which indicates that the Phase 2 development will result in 10.4 vehicle trips during peak hours. The applicant provided a revised Traffic study, which includes the 20 single-family homes in Phase 1. Total vehicle trips for Phase 1 and 2 would yield 30 vehicle trips at peak hours.

I reached out to Jeff Johnson, the Director of Business and Operations for the school district, to provide some context about the traffic when the site was a school. It is easy to forget that the site was once a busy school utilizing Garfield Avenue. Mr. Johnson stated that the site was a school from the 1950's to 2004. The school served K-4, however, at one time there were also 5th and 6th graders attending classes there. At its peak, approximately 400 children were attending classes in the building with six buses transporting kids back and forth. Including Staff, there would have been about 30 cars daily, not counting the parents that would have dropped off and picked up their children.

As an elementary school, the site would have generated 35.09 trips at peak hours. This analysis appears in the revised traffic study. The 35.09 peak trips as a school are higher than the 30 trips made by the Phase 1 and 2 proposed development.

CONCLUSION AND RECOMMENDATION

Due to topography and stormwater issues, the Milford South property is challenging to redevelop. The cluster type of development versus single-family home lots would ensure that more of the site is preserved as open space and allow better management of water runoff.

The City has a limited number of high-end duplexes and townhomes. Owner-occupied duplexes and townhouses can meet the spirit and intent of the Council's desire to maintain this site as a residential neighborhood.

The applicant is asking for approval of a total of twenty residential units on Phase 2. If the Council approves this request, the applicant will not be able to increase the number of units without going back to City Council for approval. If the developer sold the property, a new developer would have to comply with the approved Planned Development or go through another approval process.

Based on the information available to date, Staff is in support of the applicant's request to rezone the Milford South property to R-4 with a Planned Development Overlay, with the following conditions:

1. Provide Stormwater Maintenance Plan before approval of Final Plat.
2. The private drive width will be the same width to the end of the drive.

3. Provide details about the types of materials to be used.
4. Provide market data supporting the need for duplexes in the City.

Lois McKnight: Any questions from the Planning Commission?

Lisa Evans: Did you say that the fire department is okay with the dead ends?

Pam Holbrook: There is a turnaround in between duplex B11 and B10. The Fire Department is Ok with this layout.

Lois McKnight: If there are no other questions for staff, we'll ask the applicant to come to the podium and present their application.

Paul Schirmer: Hello, my name is Paul Schirmer. I'm joined here with Stan Messerly, Messco Engineering, he's the Civil Engineer on the project. Mike Turnsmeyer is a Structural Engineer who has assisted in the evaluation of the school building and helped verify that adaptive reuse is feasible.

Paul Schirmer: The 13-acre site is approximately 1800 feet off Main Street along Garfield Avenue, just east of downtown, which makes it a great walkable community. We've had a lot of interest from builders and potential residents.

We identified three different areas as we looked to develop the site. The hillside area was a good site for single-family residential. We looked at multiple uses to redevelop the school and the lower area available for development as well.

Phase 1 was approved in previous meetings, - 20 lots that conform to the R2 zoning requirements. 10,000 square foot lots with a 75-foot minimum frontage, and it complies with the other area requirements. We explored different options for Phase 2.

We looked at doing more of the same. It felt like we were stripping the site. It didn't seem like a good solution. We looked at options to do a planned development, and it seemed to us that a planned development was the correct solution because it gave us the opportunity to strike a balance between the community's desire to add additional stormwater above and beyond what currently is required by the code.

Our request is to come in as an R4 zone. The Comprehensive Plan states that R4 or R5 could be expanded, but it's highly recommended to do it with a PD overlay because that provides Planning Commission the opportunity to control the development, control density, and ensure that it's a quality development.

We're not proposing apartments. We're not proposing multifamily per se. There's no stacked living. Everything is side by side. We prefer to think about this as an attached single family.

Within the Phase two area, we've got two different product types. We have townhouses which we're looking to do an adaptive reuse of the school, and duplex units. The duplex units should appeal to the empty nester buyers with a zero threshold living.

To accomplish this style, we had to request a zone change to an R4. But we feel we are adhering to the spirit of the R2. The planned development calculates density by taking the total area divided by the minimum lot per unit. In the R2, we would take the 6.3 acres divided by the 10,000 square foot per lot, which nets out to be 28 units. Even

though we've asked for a change of zone to an R4, we're holding densities that are at or below what is allowable in the R2 zone.

This is an illustration of phase one in the background showing single-family houses and redevelopment of the school. We'd like to point out is that we're trying to preserve the hillside best as possible and pull the homes away from our eastern property line with the PD request. We felt like it was a better solution to move the curb cut closer to the school and create more green space in this area.

In addition to those improvements, we also have some stormwater improvements. With phase one approval, we have the stormwater detention pond in the back, and a detention pond proposed in the front. Those were proposed with phase one, we've increased the stormwater in Phase two by adding a proposed detention basin. We're looking at a detention basin right here as well. Stan can provide more details as to what that means for the development.

At prior meetings, we learned that it's essential for the development in Milford to be a for-sale product, not a for-rent product. So I just want to highlight that the intent is to have all these as condominiums where an HOA will maintain the exterior and grounds. The units themselves will be for sale. There is no rental product proposed. The next point that we heard about was density. There were a lot of concerns about density being higher than what the current R2 would allow. We feel like we're under the allowable density that would be permitted in the R2.

This is a proposed rendering of a redeveloped school. We're proposing to strip off the front facade and then create the individual townhouse units that marry up to the existing structure.

The existing school is a two-story building. It's a stout structure more than a typical residential unit. We're proposing to add a third floor, rooftop patio, and a small loft space. That will be on the front of the structure. The back is simply just attic space.

This proposal affords the ability to do an amenity for the development. So we're proposing to create a connector between the existing gym and the classrooms. We're looking at expanding that hallway so that instead of the standard eight or 10-foot hallway, we extend it by a couple of feet and make it a usable room. It's got plenty of restrooms and will accommodate any type of party. We think it would make an excellent location for a small plunge pool. It is an added amenity that we otherwise wouldn't be able to afford if we were doing a straight R2 cookie-cutter type of subdivision.

The white elements are envisioned to be a Hardie board siding application on the front with painted brick to match the siding on the gym. Component three is a metal-clad awning. At the top of these entryways, you have a nice awning right over the top of your front door. And then next is a metal roof which pulls the whole thing together. We are utilizing a farmhouse design. It's got the white and black elements with some peak roofs to it to add more interest. With the articulated facade, it should be appealing to buyers. The peaked roofs provide some private rooftop viewing decks.

John Wenstrup: Are those gabled roofs?

Paul Schirmer: It would be a gabled roof. We've got some floor plans to illustrate that. This is a flat elevation along Garfield, this elevation and the height that we get to is under what's currently allowed in the R2 zone. I believe the maximum height in the R2 zone is 35 feet. And this building, even being at three stories, is still under the 35 feet.

It was asked during our neighborhood meeting to give an idea of what the existing school would look like on this elevation. To provide a reference, this is the current school building. We'd have some small bump-outs for these large bay windows.

At the rear facade, we're looking at a series of garage doors. So, because we're looking at essentially four classrooms, two in the front, two in the back that would comprise each townhouse unit, those garages would be 30 feet wide. I'm showing a two-car garage. You could easily throw another door and turn it into a three-car garage. Each townhouse has about 3,000 square feet of living space.

The first level floor plans include a living space, kitchen, dining space to the side. It's got a restroom, pantry/mechanical space, and a two-car garage in the back. There is plenty of space for kayaks, bikes, and other kinds of storage. On the second level, we have a large master suite. I'll note that just these plans are very preliminary. I would envision the bathroom in the master suite to be much larger with a walk-in closet. Then we've got a second-floor laundry space, another bathroom that's for the other two bedrooms, and then continue up to that rooftop level on the third floor.

John Wenstrup: Each unit has a rooftop deck?

Paul Schirmer: Correct. Then, finally, I've got a front elevation of one of the Villa units in the back. So this unit would have another facade just like this. I apologize, I don't have a floor plan for these yet, but we've allocated 2,200 feet on one floor for each one of these units. So it's adequate space to do an open floor plan, two-bedroom unit, maybe a den, with the option to possibly add a second floor with one or two bedrooms up top. On the east side of the project, we'll have an opportunity to do some walkouts.

John Wenstrup: Detention means it slows water. Retention means it holds water.

Paul Schirmer: You are correct.

John Wenstrup: So are these-It's not holding water? So there won't be little ponds or lakes or things.

Paul Schirmer: No.

John Wenstrup: And the HOA, you believe, is that an answer to the concern that a rented property isn't taken as good of care of, as owner-occupied property. With an HOA, you feel that might mitigate that concern?

Paul Schirmer: Let me back up. If you did not have an HOA that maintained the exterior of these, and we left it up to the individual homeowner, you could have a homeowner that decides, "White's nice, but I like purple or pink better." It helps maintain quality and consistency.

John Wenstrup: It sets a uniform standard. Plus, it assures that the association, not the homeowner, maintains the exterior.

Paul Schirmer: That's correct.

John Wenstrup: So, each unit has two parking spaces, two garage spaces, and then spaces across in the parking lot as well. Correct?

Paul Schirmer: That's correct.

John Brumleve: Do you have asbestos concerns?

Paul Schirmer: There has been an environmental study done on the school. There is asbestos inside the school. Long story short, we are going to have to address the asbestos, whether we demolish the building or not. We have a report that talks about that, and we've quantified that with the contractor. And before the front facade would come down, all the asbestos would be taken out.

John Brumleve: Is your plan to encapsulate it?

Paul Schirmer: No. Removal.

Stan Messerly: My name is Stan Messerly, with Messco Engineering. I've done the site engineering for the project, as well as for phase one. Phase one incorporated a couple of stormwater storage facilities in this case, proposed to be a detention basin or a dry basin. So water isn't contained within the facility outside of during rain events. Storage number one is in the northeast corner of the project. And then, we had storage number two for phase one, which was as I faced the school, the front left of the school, or right in front of the gym.

The phase one plan originally had the vast majority of stormwater going to storage number one. We added a storage number three behind the school. We're taking a large percentage of water runoff from phase one and storing that in detention number three behind the school. So that does a few things for us. It will allow us to reduce the size of storage number one, the northeast corner storage. It will enable us to preserve additional trees in that area and back off our outlet structure, which is located on the eastern end of that basin back that off that eastern property line. It gives us some flexibility to incorporate storage over and above the regulations with the two basins. We've got storage one, two, and three, and then we have included a storage four, which is down near that southeast corner. So storage two, at the front left of the school, and storage four, in the southeast corner, would store the water that drains towards Garfield today. The rest of the site drains to storage one and is an area of the site that drains to the swale that's located behind the residence to the east of our project.

In this phase two plan, we can back off that east property line, as opposed to potentially having residential structures. I think the rear yard of R4 is maybe 35 feet as opposed to having a house 35 foot off that property line. I believe we are 70, 80, 90 feet off. So we've added that green space, and we'll look to conserve as many trees as we can. Coming out of that storage one, that we had in phase one at the northeast corner, we had proposed a mounding that would further prevent water from flowing to the east, to the rear yards of the houses on Apple Lane. So we've got a similar proposal behind units D1-D6 where we've got a feature, whether it be an earthen mound or perhaps some sort of concrete wall that would divert or direct that flow towards the drainage swale as opposed to the rear yard of our neighbor to the east.

We heard from our neighbor directly to our east on Garfield. She has many concerns relative to existing situations on her site relative to stormwater management. We've met with her. Earlier, we did a teleconference with Christine, Paul, and I as well as her engineer. We explained to her our general concept for stormwater management phase one and phase two.

Christine asked that we pursue or inquire with the City of Milford about the potential of taking the affluent or the outfall of stormwater from the detention basin located behind the school and pipe it to Garfield. As opposed to going to the drainage feature located behind Christine's barn. That water doesn't currently drain towards Garfield. We did meet with the City Engineer on Monday, as well as Pam and Chris Habel, from Valley View.

This slide represents the existing impervious area of the school. It's a surface area that would be asphalt, concrete, and roof. As impervious, the water just virtually runs off. It doesn't percolate into the ground. The green area on that drawing would represent the impervious surface areas that exist today that will not be replaced in our proposed

development. The blue areas are proposed impervious, and the other areas that are white now, are existing pervious areas that would remain. There is roughly 1.3 acres of impervious surface area.

The schematic shows the white and the blue, which again would be impervious areas that would be part of phase two and would amount to 0.68 acres, the green amounts to 0.61. Almost half of the hard surface or impervious area that's out there today would be removed and not replaced in our phase two development. We feel that's a real plus. Particularly relative to green space and conservation that will be part of phase two, and elimination of impervious areas will address water quality of that runoff, the oils and so on, that would typically run off of the asphalt.

We've tried to address the concerns that we've heard from our neighbors to the east along Apple Lane. We need to work or will work with Valley View since they are on the other side. There's a large stone box culvert that crosses under Garfield Avenue that takes all the water runoff from phase one, phase two, properties on Apple Lane, Christine's property, and then some properties that are west of us that also drain into that area. Roughly 24 acres of water flow to that box culvert. It is a significant drainage area that needs to be addressed and adequately accounted for and designed.

As staff pointed out in their report, I provided data to the City of Milford relative to the existing peak traffic generated by the school or the peak traffic that was created when the school was in operation and then also anticipated peak traffic for the area to be rezoned. We've also incorporated into that data peak flows for the traffic from phase one. As staff indicated, the anticipated peak for our phase one and phase two combined would be less than the peak that was generated by the elementary school.

John Wenstrup: Put the pictures up and then remind me between detention one along that eastern line, there are two gray caterpillars on there. Those are pipes? Is that right?

Stan Messerly: Those are some type of vertical features such as an earthen mound. So, in other words, that water would be prevented from continuing east. We need to follow that feature and then flow into that existing swale behind Christine's property.

John Wenstrup: That begs the question because there's a break between them, would water naturally be channeled into that break?

Stan Messerly: That's correct? That's where the existing drainage feature is. That's where the water all exits today.

John Wenstrup: That's where it's supposed to go?

Stan Messerly: Yes, that's correct.

Paul Schirmer: You're correct. Today all of the water flows through Christine's yard, and there are zero controls.

Paul Schirmer: We've got Mike Tuensmeyer here with us if there were any questions regarding the existing structure today and the potential to convert the school building to townhouses. As previously mentioned, we worked with Mike to construct the Starbucks Chipotle center in Loveland. We've worked well with them and anticipate using them for this project, assuming we get approved. So if there are any questions as far as structure? No. Okay. You're off the hook, Mike.

John Wenstrup: You said you want to maintain as many trees as you possibly can. How do you do that and economically develop the property?

Paul Schirmer: There are going to be some trees that need to come out, let's make no mistake about it. If you are going to put in a detention facility, you're going to have to take some trees out, forming the dirt work and that sort of thing. When we're talking about conservation areas, there are some significant trees right down in this area that we are going to be able to save that would otherwise be in the way of somebody's house if we had done a standard R2.

John Wenstrup: How about the trees along the backside of the homes up on Wallace?

Paul Schirmer: Absolutely. There is that 25-foot buffer yard between the Northern property line and our setback-

John Wenstrup: That first 25 feet you'd have no need to take down trees?

Paul Schirmer: No.

Stan Messerly: That's the part of the conservation area from phase one?

Paul Schirmer: Correct. And then in addition to that, we're not touching the hillside. All of these houses abut against the toe of the hill. So we're not digging into the hillside at all. Assuming these trees aren't dead or dying, we should be able to keep the majority of trees within this area.

John Wenstrup: Do you have in your plan any accounting for adding new trees to the landscapes?

Paul Schirmer: Yes. We're going to have to address that in our landscape plan, but we have no objection to adding additional trees to the landscape. I would anticipate adding other trees down around this basin, and you will probably see some more trees in some of the entryways and whatnot. So absolutely.

Lois McKnight: Any other questions from the Planning Commission for the applicant or his team? Okay. We will open up the floor then to those in the room who have questions or want to make comments. When you're asking your question or making your comment, please direct it to the Commission. If it's a question that we would like the applicant or his team member to answer, we'll ask him to keep track of those questions. Once we've heard from everyone in the room and those online, we'll allow them to answer all those questions. The meeting is being recorded. We want to keep the conversation limited to those that have a microphone in front of them.

Donna Luecke: 910 Wallace. I've heard conversations regarding a traffic study for Garfield. Has there been a traffic study involving Wallace? The traffic up over Wallace is pretty bad at times, and I certainly could see these additional units causing more traffic because that's how they'll get to Kroger's to 275 and such. So I'd like to see perhaps that same study involving Wallace.

Sam Pschesang: 613 Garfield. I think there are a few inconsistencies with what they've shown. If they could put the elevation back of the Milford South School on the screen, is that possible? So, where's the hill? You don't see the hill behind it. If you take into account topography and my biggest issue with this site is the handling of the topography. We should be looking at a hill. There's going to be the removal of trees with the installation of the detention pond. We should see those houses in that view and the hill.

My issues with the traffic study, the school doesn't get out during the rush hour. When people are coming in, going back to their housing or coming out, that's all going to be during rush hour. I think a traffic study needs to be done because it's not a school getting out at 3:30. It's rush hour. It's going to be 4:30-5:00. Their density math is correct, I'm assuming, but if you take into account topography again, and you go back to

that hillside. You're going to have a hard time selling lots on that hill. So I don't think they genuinely have the same amount of single-family lots. The math works, but you factor in the trying to put a house on that hillside, the lot cost goes through the roof. And I think that's an inconsistency.

As a resident, I would like to see single-family homes. I want to see the school go away, and I'd like just to see single-family homes. That's my personal opinion. I have one question, is Timothy Baird a part of your organization?

Paul Schirmer: He is a partner on some projects, and he is a partner on this project.

Sam Pschesang: He was part of the Kenwood Towers debacle and the Bear Creek debacle.

Lisa McKinney: 6 Hogan Drive. My property meets this project on the west side. I think we all want to see residential there if we have to see anything. I don't think anyone objects to that. However, the density is troubling. Sam and I have mentioned this hill. I agree with Sam's concerns about the hill and what it's going to take to put lots there and the cost and whatnot. The density is odd. It's the same acreage as Wallace Grove, but it's double the units. The density is pretty thick for this little plot of land, in my opinion. On March 6th, the City Council of 2018 changed the zoning of this property for a specific reason. As I read through the minutes of that meeting, former Mayor Albrecht, Council Member Brady, and Law Director Minniear all stated that their purpose was to have that property at R2 for single-family homes in keeping with the comprehensive plan.

Riverwalk is awesome, but multifamily units, whether they be townhouses or duplexes is very hard to keep from being rental. And the HOA, I've lived in townhomes with an HOA, it didn't prevent it from being a rental. I rented that property. All the HOA did was mandate to the homeowner, "You have to keep it a certain way. So an HOA, unless it's specifically written as such, will not mitigate the possibility of it becoming a rental. Changing zoning in a city that's less than four square miles is a big deal. I think that it should be carefully considered, especially going to R4, because it's tough to get it back from R4 once it goes there. The comprehensive plan was created for a reason. You heard Ms. Holbrook talk about Milford being 50/50 owner-occupied and rentals. I bet that down the road, some of these units will be rentals.

I would think that the school district would be able to tear down that building and that would remove the obstacle for the developer as far as his costs and what he needs to put into it, to recoup his investment. I don't understand why the school district is not required to tear down a building on a property that's not zoned for the building that's on it. That has perplexed me from the minute the zoning changed. Thank you for hearing my concerns.

Deborah Floyd: I live at 39 Cleveland Avenue. It's fortuitous that I'm following two neighbors that I've never met because I think they expressed a lot of the concerns that I have. First, regarding this particular proposed development, it was approved for single-family homes. It was R2, but now like so many other approved plans, here come the changes. Now we needed to be in R4. We'd like multiple family units and townhouses that look like they belong in New York or Hyde Park. I'm sorry those do not look like farmhouses to me. Yeah, they're gray and white and black, but they don't look like anything we have in our little town of Milford. While I appreciate the developer's vision to include green spaces, they are not making considerations in terms of what keeps to the spirit of our little town. And I think it's the planning commission's responsibility to speak to our comprehensive plan and preserve that. And perhaps more importantly, they're not considering, although they have addressed the issues here today, I went through all the

meetings of SEM, some meetings that stayed here till 10 p.m., meetings that said there'd only be four more cars coming through. All of which would not be true. I don't think there's a full consideration that we can hold them accountable once they build it. And we find out that the increased traffic is unmanageable. We are congested already on the few streets that we have.

And this water plan, while I think it looks good on paper, the runoff right now, every time it rains, you flood the streets of Mill, Gatch, Laurel, Cleveland, and Mound. On Cleveland, I don't even have berms any longer because of all the storm damage. And not to mention what will happen at Valley View. You mention putting up some earthen mounds, and then you said, "Or maybe concrete." These are important considerations because they're what we're going to be looking at. Second, in regard to the historic Milford in the planning board's recent decisions, I want to tell you a story. Fifteen years ago, I moved from New England to West Chester and began working at Cincinnati Country Day School. One day on a packed school bus headed to the nature center, our route took me down Cleveland Avenue. I asked, "What is this place?" "Milford," one of the students said. Well, it took me four years to make it happen, and one divorce. But I finally had a home here. When I moved into my dreamy little house on Mound Avenue, I felt something I hadn't in years. I felt at home. At that time, downtown was a bit bleak unless you wanted to buy a gun or antiques, a fountain, exchange some coins, or get your hair done. I wished for a coffee shop, it happened. I wished for an ice cream shop, it happened. I wished for somewhere to eat outside, it happened. When the bank burned down, I held my breath and wished it hadn't happened. And then like a phoenix from the ashes, it reappeared in all its historic glory, not stepping over its original footprint by even one toe. It now houses a wine bar, yoga studio, and offices. When the Millcroft was endangered, neighbors rallied to save it from the wrecking ball. And the distillery has honored our history by preserving this landmark.

These good merchants and neighbors have been filling vacant spaces while also filling the needs of our little town. Sometimes I used to feel downright smug about Terrace Park, who couldn't even manage to keep a coffee house running. Well, the joke's on me, they can walk here to eat and drink and shop and then walk home to quiet. No daily ambulance runs to a facility that now wants to expand, no waiting five minutes to cross the street to their neighbors like I have to on Cleveland. And yes, the joke is on us, because that's all changed. We're not just restoring our historic downtown. We are crowding it, filling it, the tiniest spaces with the largest of places.

So I started this little talk with a story, and I'd like to end with one, my apologies to Dr. Seuss for changing a few of his words, but his message of preservation and restraint resonates. He says in *The Lorax*, businesses, business, and business must grow, but that's not the real story of the Lorax. I'm not going to read the whole thing to you, but most of you remember the story. The Once-ler shows up, and he says, "I'm just going to take down one tree." And then he continues. So I'm just going to read a couple of passages and then stop.

Way back in the days when Milford was still green, and the pond was still wet, and the clouds were once clean, I came to this glorious place. I felt a great leaping of joy in my heart. I knew just what I'd do; I'd unload my cart and start building. This was when the Lorax pops up. He says I am the Lorax. I speak for the trees. And I guess we're the Lorax, the citizens of Milford, the people who live here, the people who bought homes here, the people who've seen it grow and grow and been so delighted and happy for it and then say, "Whoa, there's a danger ahead." So we are the Lorax, and we speak for the

trees. We speak for the trees, for the trees have no tongues. And I'm asking you, sir, and I would say the planning board, to stop at the top of my lungs. "I repeat, cried the Lorax. I speak for the citizens. I speak for the trees." And then the Once-ler got very mad. And he said, "Well, I have my rights, sir. And I'm telling you, I attend to go on doing just what I do. And for your information, you Lorax, you voters, you residents, I'm figuring I'm biggering and biggering and biggering and biggering. And at that very moment, we heard a loud whack from outside in the fields of Milford that no longer exist, came a sickening smack of an ax on a tree. And they heard that tree fall. Gone were the Truffula trees, gone were the Barbaloots in their Barbaloot suits, gone were the humming fish and Swomee Swans. And then it comes to a place where it's very dark, and it says, but now, now that you're here unless someone like you cares a whole lot, nothing is going to get better. It's not. So you are in charge of the last Truffula seeds of Milford, and Truffula trees are what everybody needs. Thank you for indulging me. So I ask that you preserve what's beautiful about our community and stop overbuilding for revenue. The needs are what the Once-ler made and that rhymes with greed.

Scott Naylor: I live at 28 Apple immediately adjacent to the property in question. And this is the third meeting I've been to. And the question before was, what about phase two? We see all these nice drawings for phase one. And what about the zoning variance? And we were told that "Well, we don't want to talk about the zoning variance. We don't want to talk about phase two. We just want to get our foot in the door, phase one approved."

Now we're back here, and we can, we see all these pretty pictures how they can maximize their profits and completely disregard the R2 zoning. What happened to any options? Did they even entertain R2 zoning? Or were they stringing us along? Honestly, I don't trust these people to do what's in Milford's best interest. I hope you guys listened to the neighbors because they sure aren't. Thank you.

Lee Hatter: I'm at 29 Apple Lane. And I've noticed on some of your pictures here about the so-called mound and then maybe doing a concrete thing and then it stops. Well, water, if it's running, it's not just going to jump from this opening to the next and then run on down. Is that going to run down the property? What kind of barrier is going to be there? Am I going to have to look at this monstrosity, and all these kids coming onto my property? Or is there going to be a big fence put there down along the property? Nobody talks about that. But to back up a little bit on the R2, I too was here at the beginning of all this. And we were only going to do R2. Pretty much promised by Fred Albrecht, the former mayor.

We weren't going to consider multi-usage. And now all of a sudden, they want to change it again. And I don't like that a bit. What's going to go in the gymnasium? Nobody talked about that tonight. All this water runoff, they have no clue what the water is like. None whatsoever. And Deborah was talking about water running down on Mound and Cleveland and all of them down there. It runs down my street too. I don't have curbs. I haven't had curbs. I've been there since 1970 and have no idea if the curb has ever been thought of being installed. All they keep doing is building the street up higher. So now, all the water runs from the street into the yards, and all the debris runs into the yards. They said they were going to have the street cleaners come and clean the curbs. I'm like, "Well, how in the hell is he going to clean curbs on my street?" Well, I watched him today. He flew down and flew right back in the middle of the street. What good did that do?

I got pictures of him. It's crazy. Has a hole ever been fixed on Wallace that was right beside the drain up there? We talked about that the last time, remember? Has it been fixed? I doubt it. I had to deal with that for a year and a half sitting out in front of my house. You know, this is all fine and dandy pictures, but it's not happening. It seems like every time they get an idea, they make it look like the best thing since sliced bread, and it turns out to be moldy. It's crazy. And now they're cutting in up on High Street, putting in these big things. What are they going to look at? That broke down fountain place, and the roofs of all them beat up buildings and pay \$745,000 for them? There's no way in hell I would pay that much money for them. And the congestion on Garfield, it's the new bypass for Milford. Any of you been on Garfield Avenue? You sit out there and wait for traffic to get out. No, you're one of the ones that zoom by. Exactly. He's talking about tests and traffic surveys. There hasn't been a traffic survey on that road for years. And another thing about the asbestos in there. They were talking about asbestos, "Oh, the asbestos, it was remediated." It's never been done because we just talked about it again tonight. It's never been done because I was going to ask for proof that it was done already, which everybody said that it was done. It's never been done.

So what are we getting at here? I mean a few houses, I don't have a problem with that, but to dig into them hillsides, which that's what they're going to have to do. The people on Wallace Grove and up there, it's pathetic what they're going to have to look at. Myself, they're going to have to take out the trees because once they start taking out trees, it's going to mess up the water table and the trees are going to start falling. And then when one falls on our house, and we call up, "Well, we just had a tree fall. What are you going to do about it?" I don't want to hear the answer that I heard the last time. "Well it's on your property now, it belongs to you." I don't want to hear that. So there's a lot more planning that needs to be done before we decide anything. I can raise as much hell as the next person. I'm going to tell you that right now. But this is not going to take place like this. It's not. We'll do whatever we have to do as a group, as a city, but it's not going to happen. That's ridiculous. Thank you.

Lisa McKinney: 6 Hogan Drive. The only thing honestly that I would like to do since this is the application for the zoning change and your consideration for that, I just want to read some quotes out of the minutes of the March 6th, 2018 City Council meeting, where the site was changed to R2, and the reasoning that was given to the residents for why City Council was doing that. Mr. Albrecht stated that he is really glad that we were all there. "We share the same concerns," he said. There will be an ordinance on the books that we will be voting on tonight. It would change it to R2 zoning, which is strictly single family. It is to the benefit of the city to follow our comprehensive plan and to follow what is already there in the neighborhood. The contract that is on the table now will be with a responsible residential home builder. Everyone's goals are looking forward to being met. Former Councilman, Mr. Brady, "Our interest is to keep with the comprehensive plan and to look for single-family homes versus apartments or multifamily. We are interested in changing the zoning so it wouldn't continue to be institutional." Mr. Albrecht thanked Mr. Hatter for coming and sharing his views. "Our visions and hopes are that we can do some things on the Council to make sure it is single-family homes." Mr. Albrecht said that "we are going to change things to make sure Milford South is residential, single-family residence. We are going to initiate the process tonight. It will take more public meetings, however." Law director Mr. Minniear, "The city is going to initiate this change because, based on the comprehensive plan, it is the best use for the property and because all the properties surrounding the property are residential." Across the street is

R2, and surrounding it is R3, I believe. And R2 is less dense than what could be done there now under institutional.

Mr. Albrecht again, "It was offered many years ago as institutional when someone wanted to put a school there. As soon as this became known to us, Council came together and said to change this to R2 zoning and return it to the zone it probably was many, many years ago as residential." Mr. Minear said, "We are doing this to make this property compatible and user friendly with the surrounding neighborhoods. Mr. Hatter said that he overheard the developer was thinking of putting 41 patio homes on the property. Currently, it does come out as 40 units on the property. Mr. Albrecht said that patio homes would be multifamily, and that is incorrect information. That's the conclusion of the comments I wanted to share and perhaps just refresh any memory of that meeting and what the intention of the city was on March 6, 2018. Thank you.

Brenda Jacoby: I live at 707 State Route 28, but I did live on Pottawatomie. I still go there every day to take care of a 98-year-old lady. So I'm in that neighborhood all the time. And the flavor of that subdivision is small and neighborly and not dense. There's no density there. You do have neighbors, but you're not on top of each other. You don't see them very often. But if you go down Garfield, the street is a small subdivision street. It's very old fashioned. Is that street going to be gone? Are they going to have to widen it because of the traffic concerns? I hope not because that will change everything.

I used to live in West Chester, Ohio. I grew up on a dairy farm back in the '60s, and I see what happens when a place just goes crazy, and they don't stay true to what the area was originally. It was dairy farms everywhere. I went to Lakota, which was teased about being in the middle of a cow pasture, and it was, so that was great. I loved growing up there. And we have so many people coming into this small area of downtown Milford that it changes everything. Those townhouses along the river. Oh, ooh, ah, no. But they're there. And unless a great big flood comes along and takes them on down the road, they're still going to be there. And now we want another one here. And I see there's another thing coming up here where they want more townhouses down there by the river. We're just a small town, and we should stay that way for the flavor. And I know this is a great tax base for Milford, but the citizens who have lived here all these years, a lot of them do not want to see this change. So I hope you will consider that once this is gone, it's gone, and people are not going to be the same here in Milford. Thank you.

Chris McBroom: 729 Garfield Avenue. I live right next door, and I was referenced several times during the presentation by the applicant. I think people have adequately addressed the zone change. My main concern is directing all the storm stormwater from an altered landscape across my property without an easement. The storm drainage ordinance identifies when storm drainage facilities shall be required and notes that the developer shall provide in every subdivision, drains, culverts, other work to dispose of all water originating on or flowing across the property without inundating or damaging neighboring streets, roads, lots or other properties.

And I hear several times, "Well, this is where it always goes. This is where it currently goes." But the property is going to be altered. It's not the same as it was. You can't take water and put berms up to direct across my property without an easement. It's just not permitted. It's not legal. There are also provisions in this ordinance where the city can require the developer to put in larger storm sewers if there is property from off-site flowing across their property. But now when the whole place is going to be torn up, the

streets are going to be torn up, they're going to be putting in sanitary sewers and utilities and roads, why can't we just pipe the stormwater drainage to the storm sewers? I don't understand that. I didn't understand it for phase one. And I definitely don't understand it for phase two because the whole place is already going to be torn up. It's not like we're taking out any other trees. And I know Stan said that he had a meeting on Monday. Well, let's wait till the last minute to meet with the city and Valley View. And we've got some possibilities we might do this, and maybe we're going to do this. Well, I think it should be required that the detention ponds drain into a stormwater system, which needs to be, if it's not adequate currently, it needs to be upgraded by the developer.

As far as rental units go, I think if you're going to approve this zone change, that you ought to put a plat restriction on and a requirement that there be a restriction in the deeds to these owners that the properties cannot be rented. There's no other way to stop them from being rented. You can set up a separate LLC for every owner, and you can just rent it, and rent it, and rent it. And you could still say it's owner-occupied. But you're going to have to put in something and require they cannot be rented.

Miami Woods, a great big condominium development on the other side of Milford, you cannot lease your condominium. That's in the rules, and it's in the HOA. The HOA is supposed to become responsible for phase one stormwater system. I assume you will be putting in a requirement that the HOA for phase two will also be required to maintain the stormwater maintenance plan. And I don't know whether it's going to be one HOA or two HOAs, but there's going to have to be some kind of cross easements so that they can get on each other's properties. It's not going to be one system. So, those are my comments. Thank you for listening

Lois McKnight: Is there anyone online that would like to speak? If you would use the raise your hand button on Zoom, then we can recognize you. No? Okay. We don't see anyone else raising their hand online. We'll turn it back over to the applicant if you could address any of the questions or concerns that have been raised.

Paul Schirmer: Are there any specific questions that you need more detail on? In our presentation, we feel like the proposed development is in the spirit of the R2 because of the densities proposed. We feel like because it's a PD, we do have the opportunity to enhance the stormwater system where there currently is no controls. In addition to that, we have the opportunity to save a portion of the site and not do additional grading and so forth that allows saving some existing trees, et cetera.

Lois McKnight: There was a question about the traffic study, the peak hour for school time versus peak hour otherwise. Is there a distinction that was made, is there some clarification that we need when you're looking at a peak hour for a school?

Stan Messerly: So, the ITE establishes those peak rates. They don't necessarily establish a timeframe. I guess I would certainly agree that the schools let out at different times when work let out, but you also have to consider extracurricular activities, which would be let out at the same time as rush hour. So I don't know if I'm answering your question, but I think your question is, does ITE differentiate relative to the time of the day when those peak hours occur, and in my understanding, it is no. Those charts don't address that specifically. They just address a peak.

Lois McKnight: I think the question was, are we looking at apples to apples when we have a number for a school and a number for a subdivision.

Stan Messerly: Again, the peak could very well occur at times when schools let out or well, to back up a step. It's my experience that the morning rush hour coincides relatively close to school and work. At least that's what I've seen. So then you're looking at an afternoon time slot. I think generally schools let out in the neighborhood of three to three 30, maybe some early or some later, I don't know. Generally, I think the work peak hours are probably four to five, but you also have to throw into that equation the extracurricular activities. So if you've got kids that are there doing band, kids are doing whatever I know, extracurricular activities seem to be a lot more emphasized now than they were when I went to school. What I'm being told is that there's quite a bit of traffic. I know I go by a particular school that there's traffic certainly very heavy when I bike at five o'clock from that school. So I think it is an apples to apples. And then once you consider extracurricular activities, and again, I would say that the only potential where they don't overlap would be the evening. But I think when you throw in extracurricular, you've got the same overlap that you would have rush hour and extracurricular.

John Wenstrup: Is that your professional opinion or your personal opinion?

Stan Messerly: That's experience which would be a personal opinion and experience which is a professional opinion.

Lois McKnight: Someone asked, does Garfield need to be widened? I haven't heard anything tonight that leads me to believe that is the case, but if any of our developer or experts could comment. Is that accurate based on the traffic?

Stan Messerly: Well, the analysis I provided is based on the entire department of transportation regulations, those regulations are telling me based on our peak count, that there is no widening, no lane, no turn lanes, none of that, none of that is necessary for our development.

Lois McKnight: Tim, maybe this is more of a question to you. There was a question about a traffic study for any surrounding streets, for instance, Wallace. How does that work based on our code?

Tim Casto: So, because the development volumes are not such that would warrant a detailed traffic study for the development in the immediate area. It also would not require a traffic study that would be extended onto the surrounding road network. So that would have to be a city initiative to study traffic beyond other streets.

Dino Pelle: Are you saying that's because the current traffic pattern doesn't sufficiently require him to do that. It's not enough at this point?

Tim Casto: The development that is put in front of us and the traffic study that they have provided it shows that a full traffic study is not warranted or needed. I believe the threshold is a hundred trips to prepare a detailed traffic study, and we have not met those thresholds to have that study. The volumes are under that.

Lois McKnight: Obviously, lots of questions about stormwater.

John Brumleve: I made a note of a couple of things that I think probably need to be asked only because they were asked. And so we'll just get it out there. The gym is a residence.

Paul Schirmer: That's correct.

John Brumleve: Thank you. A lot of these folks haven't had the benefit of the packet of materials that we're swimming in up here. So I just want to go ahead and get some of these questions floated out there. Now, this was brought up during the phase one discussion, and it isn't

really has been brought up this time. I just want to ask, hypothetically, what are the market values you're ascribing to these units? Just broad brush strokes.

Paul Schirmer: Just ballpark. We had estimated that the villas would probably start in the four hundreds and probably about the same for the townhouses. Probably a little higher on the townhouses.

John Brumleve: Pam, this kind of goes to the question about how the mechanics of this goes. What is the durability of the PUD, supposing this escalates to the City Council, and they approve it. If Mr. Schirmer does not opt into what is approved or declined or whatever the case may be, any following purchaser must abide by the PUD that is overlaid on...That the council approves.

Pam Holbrook: That's correct. So anybody that would buy it or take over the project, would have to comply with what council approved.

John Brumleve: Right. Okay. So regardless of the actual title of the zoning, I look at these densities. It's densities as modified by your PUD overlay you're putting on this, and so those densities would remain as part of any ongoing purchaser.

Pam Holbrook: That's correct.

Lois McKnight: Anybody else pick up on questions from the audience that we need clarification on?

Dino Pelle: There was an issue about at least one person brought up about the look and feel not being consistent with South Milford, Milford, and that sort of thing or not being a farmhouse. Was that the term you used farmhouse?

Paul Schirmer: A lot of times, they'll say modern farmhouse design. With this particular look, that's painted white, whether it's painted brick or white siding or a very light color with the dark windows. Generally, that's kind of referred to as a farmhouse look.

Dino Pelle: And when you said you were talking about metal, which right off the bat, just kind of makes me go, eh. Tell me a little bit more about what you mean by that and what the look might be.

Paul Schirmer: It looks like a metal roof structure. A lot of times on these farmhouse structures, you might see a metal roof. I mean, if it's a huge deal, we can convert it to asphalt shingles, but the metal roof on these farmhouse buildings is actually a more luxurious look.

John Brumleve: It's actually more durable too.

John Wenstrup: Luxurious, being a term of personal taste.

Paul Schirmer: Correct. If you like to live in barns.

Dino Pelle: And did we confirm that the density is lower than the R2 requirements for this plan?

John Brumleve: I've been running the numbers as we've been talking, and it's actually significantly less dense than what is required for R2.

Lisa Evans: If it were R2 they could build 28 homes.

John Wenstrup: One of the questions that was brought up was that the considerable costs of building on a hill, which is really isn't our issue at all. If it costs them a lot of money to build on a hill, it cost them a lot of way to build on a hill. That's not our problem. It's a problem that can pass that on that they would have to put in their price. So some of the questions were outside the realm of that, but I have questions I'd like to add to that as a homeowner, when the chair will recognize me?

Lois McKnight: We'll save our discussion for a discussion period. But if you have questions, please.

John Wenstrup: I have questions, and I won't share personal observations. I'll just share a question here. So I want to make sure I'm clear. And first, if I want to share an appreciation that you went and you doubled down, you knew we wanted phase two. You brought us to phase two, and that you're trying to follow the spirit of the law. So those were all good things. We like to see that. And I'm sticking with just the questions here. So what you're saying is you might buy this land if we change our rules and adopt different zoning so that the economic feasibility is there for you. Is that right? You want us to change the rule, or else it's economically not feasible for you? Is that correct?

Paul Schirmer: If we didn't think the plan was feasible, we wouldn't advocate for this plan.

John Wenstrup: But you're asking for a change. So I'm saying is the project feasible there without us making a change?

Paul Schirmer: Right now, we're focused on this plan.

John Wenstrup: I'm talking about this plan. Is the feasibility of this plan... It's not there if you can't get zoning change, because you can't do it this way. Correct?

Paul Schirmer: It's difficult to do without this plan.

John Wenstrup: I understand that. Just a simple answer. A simple question.

Paul Schirmer: That's the best I got.

John Wenstrup: I'll add comments later. Thank you. I want to be clear on that question. I got no other questions.

Lois McKnight: Okay. There was a comment about someone possibly purchasing one of these units and then renting it out. Yes. I know the developments can put restrictions on, but I know that I could rent my house if I wanted to move out.

Dino Pelle: I'm a homeowner too, and I can rent my house if I wanted to. I mean, I don't know why that's an argument.

John Brumleve: I ran some numbers on that while we were talking about that and I kind of based it on my earlier guess, and you confirmed it somewhere in the third of a million dollars apiece. I mean, that would mean a mortgage at a wildly lower interest rate than we currently have, somewhere in the neighborhood of \$2,500 a month.

Dino Pelle: Yes. You'd be buying a home. You wouldn't be renting it. You just can't at that price. So I didn't buy that argument, but there are some other issues. As we went down, I was writing down this list of what you had addressed in your plan and what I had written down. These are owner-occupied residential homes in the form of attached townhomes basically. Right.

Paul Schirmer: Correct.

Dino Pelle: But they're residential. This does increase the percentage of owner residential homes in Milford, which we, I think, desperately need. We just talked about the rentability of these kinds of properties at that price point is not really feasible. It can be done, but I could do it with my home too in R2. So I don't think that's a factor. Density seems to be lower than what's required in R2. So as I go down this list, I keep seeing things that meet R2 requirements in an R4. It's meeting the spirit of R2 without, but making it economically feasible to actually build a property by just changing it to R4. I'm trying to find where this is a problem. I see the water issue problem. That seems to be something that's of great concern, especially to the property owners nearby and around obviously. I don't know if that's been addressed or not. I don't know that I have the technical know-how or experience to know if that's been addressed or not. So if you want to

speaking more to that, I'd love to hear it. I'm not sure I'm understanding how that is mitigated.

Dino Pelle: It seems like we have an increase of local business in a walkable way from a community that's walkable to downtown Milford, which helps our local businesses. That's something we want out of an R2. I don't know. It seems to be well within the requirements of an R2 just with the loophole of changing it to R4. So we can have a residential property that's sustainable and profitable for a developer. I don't know where that's bad again.

Dino Pelle: I'm trying to figure out the water issue. That to me, is the big one. It's very hard to say yes while thinking that these guys over here are going to have serious issues or continue to have serious issues, which they're having. So that's the one holdup for me, but otherwise, I think it's actually a pretty good plan. Given this, again, meeting so many R2 needs that we wanted back in 2018, being part of that commission. That's what we wanted. That's why we said R2. But if it can be done in R4, without the cons that come with it, I don't see an issue there. But again, if you can, just try to bring this clarity to how we mitigate this water problem from stormwater.

Stan Messerly: The current subdivision Milford subdivision regulations and Milford water management regulations mitigate development and stormwater management. Certainly, we would have to meet those requirements and be approved by the city engineer. I will note that one of the staff's contingencies or conditions is to provide stormwater maintenance plan before approval of the final plan. So that has to be submitted and approved before I believe final plan would be at the planning commission approval.

Dino Pelle: So basically, our guys make sure that's not a problem. Do they then make that recommendation based on that to us or to the city council? Or where does that go?

Pam Holbrook: So this meeting happens tonight, and you may have conditions. You make a recommendation based on the list of three recommendations: be granted, change it, or not be granted. So that's what you do tonight. Then that information goes to the city council, and the council will have a public hearing just like we had tonight. So the council will be able to hear all of the evidence for and against. If the council approves it then the next step is a final development plan that will come back to you guys, and that's the stormwater management plan. That's when Planning Commission will review the Stormwater Management Plan.

Dino Pelle: And at that point, Pam, that's when we know whether they met what we wanted out of this or not.

Pam Holbrook: Tim will review the stormwater management, then all that information will be brought back to the Planning Commission.

John Brumleve: Historically, on that particular provision for R2, we were still reeling from the battle wounds of Milford Main. At that point, if I recall correctly, as far as the timing goes. We were desperately not interested in seeing some sort of quasi institutional establishment land there.

Pam Holbrook: Correct.

Lisa Evans: As a council member, that was the big thing. We did not want apartment buildings.

John Brumleve: An apartment complex. Now to address that as far as it relates to duplex units. And that is a primary differentiator between the R2 and the other R districts is that R2 does not allow two-family homes. Am I getting that about right? I think that's correct. One thing that does happen here is you take two single-family homes, what amounts to patio

homes, and push them together with a common wall. This is not two stacked on top of each other. This is two that are sharing a common firewall. One of the benefits of that from a planning perspective is it actually generates more open spaces as opposed to having this gratuitous setback wedged in between two freestanding structures and the attendant loss of efficiency of the land, loss, efficiency of infrastructure, et cetera. I have a hard time seeing a downside to that point.

Dino Pelle: Right.

John Wenstrup: I wanted to address what Dino had said about that's up to our guys, right? That's all. So I remember sitting in a meeting in here a month or two ago, and we talked about our guys and our guys and their handling of a hole in the middle of Apple that had been there for a year and a half. And we built a whole new building that they can work out, but we couldn't fill a hole on Apple Lane. So the resident's confidence in our guys taking care of it is another issue that needs to be addressed by us.

Lisa Evans: Our guys have had some change over to recently.

John Wenstrup: We may have changes again. You never know, but the point is, I think I saying, "Oh. Our guys will take care of that." Isn't an answer that I would feel comfortable with as a resident at this point. That doesn't make that go away. That our guys will take care of that, it's still an issue. It needs to be in the agreement, not something that's referred to and pushed off.

Lisa Evans: It still has to be approved by our city engineer.

Lois McKnight: And as a former public employee, I think I need to just say, we're comparing two different things.

John Wenstrup: I got that.

Lois McKnight: Maintenance of the streets versus compliance with our stormwater management regulations are two different things and they both need to be done to the highest level possible. Understood. And if we fell short, that's a problem. But the stormwater management plan that's proposed for any future development on this site will be reviewed by the city engineer to check for compliance with our regulations. And I have every confidence that it will be done well.

John Wenstrup: Good. I think some of them do not. I think that's a point that we needed to consider. That's what I said. I didn't say I don't trust our city engineers. You may feel that way. I didn't say that.

Lisa Evans: I know some comments were made about the look and the fit in the neighborhood. I think the duplexes or villas do blend in better. I mean, I'm just thinking about Garfield Avenue, that will stand out. It's because of the white. Things on Garfield Avenue, there's not a lot of white that I can picture. Like that might be something -

John Brumleve: To be semi-facetious, we get another shot at that.

Lisa Evans: Right. Well, it talks about materials. We have to know that the materials, but I wonder if color will fall in that category?

Pam Holbrook: Yes. And you're correct. We'll get another shot at all of that.

Lisa Evans: I want to make sure because usually we do and the colors are listed and the materials are listed. So I want to make sure color is an option because I think a different color would help it blend in better and fit the feel of the neighborhood better.

John Brumleve: One thing that does get... I noticed that we had, there was an R5 that crept in early in the process and is not there anymore. I got that correct? Okay. I guess what then becomes the next question. Okay. Well, what do you do with this five unit chunk of building plus the sixth unit down there at the gym, et cetera. And those are five, 3000 square foot units?

Paul Schirmer: Correct. The gym's a little larger.

John Brumleve: Yeah. Okay. I just want to make sure I understood the spirit of what's going on here. Yeah. These are not 20 foot wide townhouses by any means. These are so 40?? 30? Wait, what? Excuse me.

Stan Messerly: 30 foot wide. 56 feet deep.

Paul Schirmer: Right? That's a big house.

Mr. Turnsmeyer: To put it in perspective if I may, it's from that wall to here and the width of this room, plus 10 feet.

John Wenstrup: It's bigger than the footprint of my house.

John Brumleve: So by extension, we wind up with what amounts to five single family homes with common walls. I know we're more mincing things here and splitting hairs, but just comparing that to the, help me out... How many units are just right down the street West of here? How many units are in that building? The opposite the end of Gatch Street. And just kind of giving us a gut check.

Lois McKnight: We've definitely wandered into discussion.

Dino Pelle: Is it possible like one of the ladies mentioned on the Zoom, I think it was Ms. McBroom. Adding a condition for the HOA. Is that even appropriate at this point? Or is that coming later? The condition being it can't be rented. Is that?

Lois McKnight: Mm, that might be a law director question.

Dino Pelle: Seems to be a legal thing.

John Brumleve: Well, one of the staff or staff recommended conditions was providing the storm water maintenance plan before the final plat. And so that maintenance plan would be either an opportunity or an encumbrance on the HOA and the group of owners as a whole. Have I got that right? Okay. All right.

John Wenstrup: You know, another thing that can make it economically feasible would be if the guys that own it would sell it at a reasonable price since it was given to them so that it could be developed in keeping with R2. Just saying. That would be nice. That would be community spirit.

Lois McKnight: Far as I know, we live in a capitalist society.

John Wenstrup: That's true. Live in a capitalist and a democratic society. Which trumps which. Pardon the phrase.

Lois McKnight: I don't think the city needs to be telling people how much they should sell their property for.

John Wenstrup: No.

Lois McKnight: Well. that's kind of what you just said.

John Wenstrup: That's why I'm not the city. I'm just one person, just one person. You know the notion that before us is a recommendation or a request to... I bought my house 21 years ago, my house was falling down. It had been turned into a two family because poverty was

all over the nation in 1940. My house was built in 1885. I didn't come to the city and say, "You know what? I want to fix up this house, but it's economically unfeasible. Could you help me?" I tore my shoulder in half building that house. I built that house, rebuilt that house from the floor to the basement, every inch of it. And so did these people. They invested money in their neighborhoods. High Street is a dividing line. That man, right there is a Saint for what he's helping us do downtown. And he listens and he tries to make it right. North or when you get south of High Street, that's our neighborhood. Those are people. They can't get a special deal. They can't get their zoning changed so it's profitable. All they can do is plug along whether they live on Apple Lane or Cleveland Avenue or somewhere between. Milford's different now than it was a while ago. Milford's changing. We take pride in our downtown. We take pride in our neighborhoods. Look around. Walk the streets. I do every night. I see people adding things to their homes, replacing roofs, fixing gutters, changing windows, putting their money where their mouth is. Not asking anybody to change anything so it could be economically feasible. I disdain this discussion. I'm insulted that someone would come and say change the rules because I can't make a buck following the rules. That's my discussion. That's my issue. That's my stance. It's the spirit of the neighborhood. The laws is the law. The spirit of the law is just a way to twist it. The spirit of the neighborhood is, we have a residential area that we want to maintain a character, and I'm all for that. And I can't change my mind based on your best efforts. And I, again, I appreciate your best efforts. It's just not good enough for me. Thank you.

Lois McKnight: Thank you. Well, I served on the comprehensive plan committee, so I was involved in the discussions that led to the document that we have. Yes, these buildings don't look exactly like all the homes in South Milford, but this piece of property and its history, isn't like all the other homes in South Milford. Our laws give individuals, such as this gentlemen, the right to come and ask. Doesn't mean we have to say yes.

John Wenstrup: That's right.

Lois McKnight: But it's definitely his right. And I am personally not offended that he's taken advantage of our laws to ask a question. It's not offensive to me. You can ask it. All right?

John Wenstrup: Good. We disagree, again.

Lois McKnight: I don't feel the density is inappropriate for the neighborhood. I have some questions about the compatibility of design. I get that look. I've certainly seen lots of houses in really nice neighborhoods that have that look. I don't know about the compatibility between the look that you're proposing for the townhomes and what might end up being the look for the duplexes since they are together. I would kind of hope to see more of a continuity in materials. How you achieve that, I'm not here to dictate, but that's something I'd be looking for. Stormwater is a major concern, but I've already stated my faith in the city's regulations. When the school building was built and changes that have been made on the property as a result of the school being there, I don't think those regulations were either in place or complied with. So we have a different ball game looking at development on this property going forward.

John Brumleve: I think it's a very important. My primary hinge point on this has to do with the fact that it's a planned unit development overlay. And the reason I drive a stake in that, and that's why I asked the question about the durability of it. I mean, that is a mechanism we use to achieve ends when the categorical rule doesn't fit perfectly. And I understand that we're asking for a change to the categorical plan. And I understand you're asking for an exception. We've seen lots of exceptions cross our desks in the last few years.

Some of which we fought down with battle wounds and some of them not so much, thank goodness. But in this case, since the PUD, the development plan, is attached and part and integral to this application, it gives me greater confidence that we're going to see something come out of this that frankly looks like we're heading for the right spirit of what that feel needs to be.

Lois McKnight: Any other discussion? Our process is to make a recommendation to city council. As Pam has stated a couple of times, our options are to recommend the request be approved as requested, the application be granted as requested. We can make a recommendation to council that it be requested but make modifications, or we can recommend the application not be granted. So is anyone prepared to make a motion?

John Brumleve: May I ask for a discussion of the conditions that I'm seeing outlined on the last page of the staff recommendations to see if we've missed any conditions that need to be added or curtailed from this list of four that I see here? So I'm opening that up as a question to my fellow commission members.

Lisa Evans: All the things we talked about are on there. The materials, the Stormwater.

Dino Pelle: I think they can easily be addressed. For example, my two biggest issues being one and three. Because they're already conditions, I think that's going to already get us to the point where we have that discussion in more detail next time. So I'm okay with these.

Lois McKnight: John, do you have any other concerns you want addressed in the-

John Brumleve: No, my eyes were wandering around the room, that's all.

Lois McKnight: Sorry. I was just asking Mr. Brumleve, since he brought up the point, were there any other things that he wanted added?

John Brumleve: No. I wanted to make sure that we were covering what these conditions were and we understood them in their extent.

Lois McKnight: All right.

John Wenstrup: The question isn't to approve this project, the question is, do we change R2 to make it economically feasible for him to develop the property? That's the question.

John Brumleve: With the planned unit development overlaid.

John Wenstrup: Yeah. So are we making a motion?

Lois McKnight: I asked if anyone was prepared to make a motion, yes. I did that.

John Wenstrup: I move that we not grant the application because it requires us change a zoning that was well thought through when it was put in place, had the best interest of the residents on the south side of High Street, which is a neighborhood that needs our protection, because there's such robust change downtown that if we don't protect that neighborhood, one by one, one by one, that will become the thoroughfare that it's trying to become. If you've ever sat on Cleveland Avenue and watched the canoes and the landscaping trucks and all the BMWs from up on the Hill and Polo fields, nobody's ever changed our streets. But they're using our streets. And Garfield, Cleveland, and you want to see somebody get upset? Wait until they start running the ambulances down Mound instead of Cleveland. The whole neighborhood's destroyed because it's become Colerain Avenue or Beechmont Avenue, where the traffic is zipping through like the Autobahn. And it really is that bad. We sit on our porch and just shake our heads. These people aren't making that up. So, adding to that, there is a traffic problem. It's not this guy's problem. Traffic problem's Milford's problem. We're growing our city and nobody's addressing the streets, especially through our residential neighborhoods. So

my deal is, I don't think we can give him an exception until we solve some of our own infrastructures, because that's not fair to the people that have invested and lived here for many, many years and invested in their property. That's just not fair. And it's not right. I don't think the exception should be granted. So I'm picking option number dot, which is the third dot that says I recommend the application not be granted. We're not in a position to do that yet.

Lois McKnight: All right. We have a motion to recommend to council that the application not be granted. Is there a second to the motion? I don't hear a second.

John Wenstrup: So, I don't even get to discuss it further, that's okay.

Dino Pelle: I think you already did.

John Wenstrup: Well, the discussion is what's the worst that happens? Is that somebody has to come back with something that does meet R2, which might be best for this whole situation. It's not going to happen if you bend over backwards to accommodate somebody else's profit to change rules that are well though.

Dino Pelle: I don't think, John, I don't think it's bending over backwards, honestly. I'll tell you why.

John Wenstrup: I disagree with you.

Dino Pelle: Well, yeah, I know you do.

John Wenstrup:

[inaudible 02:22:13].

Dino Pelle: Okay, so these are attached single-family homes. It increases owner percentage versus renter percentage of Milford. The density is lower than R2 requirements. The height is lower than R2 requirements. It increases a walkable traffic to our local main street business, which is critically important to those local businesses. The water drainage issues are greatly improved, although I need to see more proof of that. But at the very least, they're improved. At the very least, they're improved. They could be entirely mitigated at some point, I don't know. I haven't seen evidence of that. The traffic is based on the information that we have. Traffic is less than when the school was in. And the argument of at rush hour is a bad argument.

John Wenstrup: School was in 16 years ago. We didn't have the polo fields.

Dino Pelle: Let me speak. At the same time... Well, 20 years ago, we didn't have a lot of the businesses that are downtown, which is why our home prices are so much higher now, which is why we have the entertainment that we do, because we made changes. Because we did those things. This is a family-oriented community. They're not putting in apartment complexes here. And all they need is an R4 to make that happen. It's not an R4 to make apartment complexes. It's an R4 to put in the type of units that are profitable to build on that property. I don't think that property can be built on with an R2, frankly. I mean, I really don't. Not sustainably or feasibly.

John Wenstrup: I agree with you. Of course, you can't. That's the point.

Dino Pelle: But it continues the family orientation of our neighborhood. Now, do I like the look of it? I don't think it fits in with Milford at all. I have a problem with that. But that can be mitigated later at the next step in the process. Do I think the Stormwater has been fully addressed? Maybe, I don't know enough about it yet. So I have to learn more about that, but that'll come at the maintenance time when the city engineers get involved. So I'm not seeing how this isn't an R2. We're just changing the designation. I mean, they've met all the R2 requirements. This is ridiculous. The arguments I've heard are really more

personal arguments than they are about the data, about the solution that's been brought in front of us. So that's how I feel.

Lois McKnight: So, is anyone else prepared to make a different motion?

John Brumleve: In consideration of the whole package as to the mechanics of how this works and gets things done, this is almost... I have to agree with Dino. The outcome, as a package, crystallizes right. So, since I keep on having people looking over their glasses at me... Okay, I'll make a motion to recommend the application be granted and requested with the staff recommendations as noted, one through four. No need to reread them, they are here in the document.

Lois McKnight: We have a motion. Do we have a second?

John Wenstrup: A motion is made with what conditions? I'm sorry, the staff recommendations?

Dino Pelle: Yeah, with the staff recommendations.

John Wenstrup: With the what, I'm sorry?

Dino Pelle: With the staff recommendations that were presented.

John Wenstrup: I only got two on my staff recommendation.

Dino Pelle: Oh, it's the wrong document.

John Wenstrup: How could that possibly be?

Dino Pelle: Do you have the one with draft on it?

John Wenstrup: Hang on. There it is. Sorry about that. First three. I got it. I got it, and I tell you what. [inaudible 02:26:26].

Lois McKnight: To reiterate, the four recommendations were provide Stormwater maintenance plan-

John Brumleve: We're going to have to say them.

Lois McKnight: I'll say them. Before approval of final plat, the private drive width will be the same width to the end of the drive. They showed it narrowing at the end of the duplex section. Provide details about the types of materials to be used and provide market data supporting the need for duplexes in the city.

John Wenstrup: Number four is a bullshit item, if I can say, because you can get anybody to say there's market data to support duplexes in the city. That's a matter of opinion. That's not data, that's hearsay. So, I think that point's really a moot point. You think they're not going to be able to come up with that support?

John Brumleve: It won't hurt for him to provide it.

John Wenstrup: No, it won't. I just hate passing this on to city council because I think it's a smelly deal. I don't like it. So if we pass it on, we pass it on. I can vote.

Dino Pelle: I think, John, you're catering to the audience more than you are being a planning commissioner right now, I really do. That's fine, but that's not how you make legitimate decisions in a city to help it grow and thrive and sustain itself.

John Wenstrup: Well, you know-

Dino Pelle: You're putting so much of your personal passion into it that you're not being a planning commissioner right now. You are not.

John Wenstrup: I am. Somebody has to be a dissenting voice.

Dino Pelle: Well then sit out there. And we'll listen to you.

John Wenstrup: No, I'll sit right here. People don't want just yes votes on this board. They want the dissenting vote.

Dino Pelle: This is a problem.

John Wenstrup: We're disagreeing. It's not a problem.

Dino Pelle: This is a serious problem.

John Wenstrup: It's not a problem.

Lisa Evans: I'll second.

Lois McKnight: We have a second. We have a motion with a second.

Mr. Brumleve, Ms. Evans, Ms. McKnight, and Mr. Pelle voted yes to approve. Mr. Wenstrup voted no. The motion carried 4-1.

Lois McKnight: This recommendation will be forwarded to the city council for their meeting on August 18th. I encourage all of you to attend.

Dino Pelle: It's a process, everybody. It doesn't mean it's approved. It means we're moving forward to the next step. So, there's still stuff to look at. Thank you.

Lois McKnight: All right. We will reconvene the meeting at 8:38. We adjourned at 8:30, so you're a little longer than five minutes.

REZ 20-02 River Roe, Planned Development Overlay.

Ms. Holbrook read the Staff Report into the record:

Project:	River Roe Planned Development
Location:	5 Water Street
Property Owner/Applicant:	Beauty Ridge LLC 750 US 50 Milford, OH 45150
Acreage:	.53 Acres (Includes vacated right of way)
Tax Parcel Id:	210709A006P
Zoning:	MRD, Milford River District
Existing Use:	Vacant Land
Proposed Use:	8-12 Condominiums

Adjacent Land Use and Zoning

All adjacent property is zoned MRD

North: Milford Library and Parking for Dental office;

East: Millcroft;

West: Little Miami River;

South: Little Miami Brewery.

PROPOSAL

The Planning Commission will hold a Public Hearing to review a Planned Development application submitted by Hank Roe, of DER Development Co. LLC, per Section 1133, Changes and Amendments of the Milford Zoning Ordinance. Mr. Roe is requesting to add a Planned Development Overlay to parcel # 210709A006P. The applicant is proposing to construct 8-12 residential condominiums on the subject site.

PROCESS

Following the public hearing, the Planning Commission:

- May recommend the application be granted as requested;
- May recommend a modification of the zoning change requested;
- May recommend the application not be granted.

After receiving the Planning Commission recommendation, the City Council will hold a public hearing. The Council public hearing is scheduled for August 18 at 7 PM in City Council Chambers. Following the public hearing and after reviewing the recommendation of the Planning Commission, Council shall vote on the proposed application. Council may overrule the Planning Commission recommendation by a two-thirds vote of the full membership of Council.

If the Council approves the Planned Development request, the applicant will be required to submit a Final Development Plan to Planning Commission for review and approval. The Final Development Plan will include items such as final grading plan, site plans, elevation, floor plans, and a detailed landscaping plan. The applicant has one year to begin construction once a Final development plan is approved; otherwise, the Plan becomes void.

BACKGROUND AND CHANGES

On August 14, 2019, Planning Commission approved the River Roe Site Plan request to construct a 17,365 square foot, three-story mixed-use building with a lower level parking area. The first-floor use was retail/restaurant and the second and third floor was office space.

Changes to the original design include an increase of 1,000 square feet to the parking level footprint to allow for additional parking stalls. The new total parking count will be twenty-one (21) stalls. The building exterior adjustments include full height brick veneer, operable windows, and a common outdoor patio terrace. The entrance is now fully enclosed with a common area for the building occupants.

PLANNED DEVELOPMENT ANALYSIS

The regulations in Section 1169.03 of the Milford Zoning Ordinance control the Residential Planned Development:

Permitted Uses. The Zoning Ordinance defines Multifamily dwellings as 'a dwelling designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.' The site is zoned MRD, Milford River District; residential condominiums (Multifamily dwellings) is a conditional use in the MRD and require approval by the Planning Commission. Multifamily dwellings exceeding six units per acre are permitted in the MRD with an approved Planned Development Overlay.

Project Area. The project area is used to determine the permitted number of units. It includes the area used to serve the residential use, excluding floodway and right of way. The project area is 0.52 acres.

Density Calculation. The density is determined by dividing the project area by the required lot area. There is no minimum lot area requirement in this district. The proposed density at twelve condominium units yields 23 units per acre, and eight condominium units result in a density of 15.38 units per acre.

General Guidelines.

Staff agrees with the analysis provided by the applicant and believes this development is consistent with the goals and objectives of Milford's Land Use Plan. The applicant provides a unified treatment of the site.

All the City Departments have reviewed the Plan. The City can provide water, sewer, and safety services to the property. A private driveway via Water Street provides vehicle access to the site.

Spacing and Building Height.

The applicant appears to meet the maximum building height of 45 feet, as specified in the MRD district. From Water Street, the building height is 41 feet from the ground to the parapet. The parapet adds 6 feet to the building height, but is not included when calculating the maximum allowable height.

Peripheral Setbacks.

There are no specific setback requirements in the MRD.

Common Open Space Requirements.

Common open space should comprise up to 20% of the project area. The applicant has preserved approximately 10% of the site as common open space. Given the relationship of this development to Terrell Park, Memorial Park, and the Little Miami Scenic River and Bike Trail, Staff does not feel additional open space is necessary.

Screening.

The screening will consist of landscaping in the common areas. Detailed landscaping plans will be included with the Final development Plan submittal.

Traffic Impact Study.

A traffic study was conducted in 2017. The staff does not see a need to perform additional traffic studies for this site.

Staff Recommendation

Staff recommends approval with the following conditions:

1. City approval is contingent on review and approval by the City Engineer and any other applicable local, state, and federal agencies.
2. Screen dumpster pad with material to match the building.

John Wenstrup: On the traffic study impact in 2017, is there any way you could give me just a quick summary of what the result of that was for that little area?

Pam Holbrook: The traffic study was a participatory traffic study. The City, the Roe's, and Riverwalk all contributed a third to pay for the study. We looked at that intersection, Mill, US 50, and Water Street. We have since made some improvements to the site, and the signal.

Hank Roe: Good evening, everybody. There are some minor building design changes, as Pam mentioned, but primarily, this is a use change. As we went through the winter and we're canvassing office type users, we weren't getting very many hits. We needed to get a certain price point. It wasn't there. Milford's not generally known as a hot area for office. So we went back to the drawing board, and there aren't very many condos in downtown Milford. Such a great spot. I think this is a more benign use.

Dino was asking about the traffic. This is only going to garner less invasive traffic patterns, given the condos instead of full commercial space. We do want to maintain zoning privileges to keep the first floor open for potential commercial or residential. We have some residential units shown there. They are small. There's a lot more common area on the first floor than the second and third. We don't know how well that will go with the market. So we want to be able to keep that option open should we find a good use for the first floor. It could be a restaurant. It probably would be more retail than anything. Maybe it's an office, and perhaps it's a real estate place. Perhaps it's a little coffee shop that closes at noon. We don't want a bar or a nightclub or something that's going to be open until one or two in the morning and disrupting the condos on the floors above.

We haven't marketed this yet, but we've talked to a couple of groups that may be interested in two condos because of the size. They're downsizing from significantly larger spaces where they would take two units and combine them into one unit. So I think it's a good fit. It's got great natural amenities around it. It compliments everything else that's going on down there with all this big rush on commercial and retail, restaurant, everything surrounding the site. So we think it's a good plan.

Lois McKnight: Any questions for the applicant at this time?

Lisa Evans: The parking, I thought I saw somewhere, there's going to be a garage?

Hank Roe: We figured if we're going to be putting up to 12 units here, we need to fit as many dedicated parking stalls per unit as we can, and we can't fit 12. We can provide 11. Maybe somebody buys two units and makes one unit. Perhaps we go first for commercial, but we think we can confidently fit 11 parking stalls on the first floor. Therefore, we had to expand the footprint a little bit. It's about a thousand-foot sliver. I want to say it's 12, 13 feet wide by 80, 90 feet long. It's on the backside facing the river where that larger footprint only ascends to the first-floor elevation. At that point, that roof becomes a patio terrace. Maybe those first-floor residential condos can have outdoor space there. Perhaps it's an outdoor coffee shop space. As a result, we lost surface parking outside. That count was maybe 18. Now it's eight or nine plus the 11 inside. So we're down to net maybe five or six stalls, but I don't think we need all those that we had before because the use is not going to require them, We have openness down there because we are in the flood plain by four feet. The lower area's in the floodplain. We have to have an openness factor with the water because of that If it does flood, the water has to flow in and then flow out of the lower level. Those open panels are secured by ornamental fencing, just to keep anybody coming up from the river.

John Wenstrup: The flooding would not undermine the structure in any way?

Hank Roe: No. 514 is the flood elevation. 518 is our finished floor of the parking area. FEMA was talking to Nate Clayton, the former public works director, about reducing the floodplain elevation by four feet, making it equivalent to our grade down there.

John Wenstrup: Who's going to own this building?

Hank Roe: When you sell condos, you have to have a declarant entity. So what we would do is transfer it to the declarant entity, towards the end of selling all of those units, that entity dissolves, and the condo association takes over.

John Wenstrup: Well, if it floods, that's the owner's problem.

Hank Roe: Yes. Right.

John Wenstrup: So the driveway comes back behind the building, right?

Hank Roe: Yes. There should be a site plan in there.

John Wenstrup: If someone has a problem turning left, they could drive around the block. How many units?

Hank: Up to 12.

John Wenstrup: With 12 units, even if everybody had two cars, it's not a tremendous amount, and they're not on the street. Twelve of them are in the parking garage.

Hank Roe: Correct.

John Wenstrup: There are only 12 spaces in the garage?

Hank Roe: There's 11. There are eight stalls outside in the surface parking area. And then we have a couple reserved for the library as well.

John Wenstrup: What do you think they'll sell for?

Hank Roe: We haven't finished our design because we need to get through planning and zoning, and then we finish our construction drawings, at which point we can complete our budget, but we think we can get between four and \$500,000 per unit.

John Wenstrup: That's a good price point compared to 700 and something for the side of the hill, but who am I to say? Good, good. What are you asking us to do?

Hank Roe: Changes include the main entrance, which was at the radius was open. Now that's enclosed because we don't need a grand formal opening any longer since it most likely would not be commercial. That was a kind of reset soffit area where the mandatory doors were. So we brought that second-floor wall down. Now that's enclosed space. It was the lobby where the elevator cab was. Now that's a common room. It could be a fitness area or a lounge, something like that.

We moved the main entry slightly to the west, maybe about halfway down that length of elevation of the building. Continuing that direction west on the first floor, we have a common outdoor terrace area that everybody can get to. Most of these units, two-thirds of them have their own outdoor space. The southeast units don't have outdoor patio spaces, so that allows them to have a shared outdoor area with everybody else, have a grill out there or whatever, and then we also changed the building veneer, which was a mix of stone and brick to all brick.

Dino Pelle: What was the reason for that, Hank?

Hank Roe: Cost, to be honest with you, plus a lot of the masonry buildings in old Milford are predominantly one material type, and that's full height brick. I think it fits better.

Dino Pelle: It does fit. Looks nice.

John Wenstrup: The top has a facade, is that white? Is that like a rail?

Hank Roe: No, that's a cornice. There's a parapet just to have different material up there.

John Wenstrup: Is there any rooftop thing going on?

Hank Roe: No. I mean, there's mechanical equipment, but there's not public space up there.

John Wenstrup: So there's condensers and stuff like that up there?

Hank Roe: Right.

John Wenstrup: Very cool. Okay. Why is there a break in the middle of that? Why is that open?

Hank Roe: I don't know. We've been thinking about that same question. Our architect felt that he wanted to break up the line, the mass. It might look better without it. Just an architectural feature, and there's nothing else to it than that.

John Wenstrup: The green that I see here is a natural lawn, is that correct?

Hank Roe: That'd be landscaped. Yes. It'd be a mixture of lawn and plantings.

John Brumleve: I do have a question about the central corridor on the first floor. Is that required for residential use? I don't recall the central corridor being there under commercial use. Was that the case or not?

Hank Roe: It depended on whether or not we had a single tenant per floor prior, or if we had multiple tenants. Then we're going to have that circulation space. So I don't know if it was delineated on our prior application or not, but it was just a shell mostly because we didn't have any tenants in mind.

John Brumleve: Right. I was just curious about it because it made me wonder about the usability of the southern tenant space on the first floor. I can't imagine being a resident there in that first-floor space. I was just curious about it. I know that's just the way things shake out sometimes. Also, this falls under the category of a Christmas wishlist, so just bear with me. You had a lovely fountain that you had brought over from Bavaria if I recall correctly. I see it, but now it has a fence around it.

Hank Roe: Well, because we don't want it to be public.

John Brumleve: Yeah. I know. As I said, this falls under the Christmas wishlist category. Okay. So I was just wondering if it could be shared.

Dale Roe: When we were initially developing the brewery, and I had Ron Roberts, who's the engineer, see if we could put a meridian strip between Chessley's building and the Millcroft, and we were going to have a Memorial there, and we were going to use Philip Gatch, the founder of Milford, as a statue in the middle, but there wasn't enough width on Mill Street to do it.

John Brumleve: But I was just wondering if the fence could go around the other side of the fountain?

John Wenstrup: Well, Christmas list, I'd like to see a big old Christmas tree as you come across that bridge every year. The fountain, in his defense, has a fence around it, is an attractive nuisance. I mean, people get in it, splash around, you got 350 people across the bridge, drinking beer going, let's go, and so I think they can enjoy it from afar and see it.

John Brumleve: It's fair enough. Fair point.

Pam Holbrook: Is that part of your 10% open space?

Hank Roe: Yes.

Pam Holbrook: So that should be common open space. In other words, it should be open to the public.

Hank Roe: Is that right?

Pam Holbrook: I'll check on that.

Dale Roe: We'll do whatever it takes. I wanted to put a meridian strip on Mill, and we didn't have the width to do it.

Dino Pelle: So Dale, is this a fountain you already have?

Dale Roe: I own it.

Dino Pelle: How big is it?

Dale Roe: It is about 12 feet. I had it at my home, and I sold my house, and the people who purchased it did not like it. So they said, will you take that, and I said, well, sure. So I brought a crane up, and I dismantled it, and I have it stored at my farm.

John Brumleve: If I recall correctly, some sort of quasi angelic figure of some sort.

Hank Roe: It's a bronze statue of a person carrying pineapples with a water feature.

John Wenstrup: More to your application, the question that you ask about reserving the right to have residential on the first floor and maybe have to change it if somebody wants to put it in a restaurant or whatever. I think that's very acceptable because we know that the brewery took a chance on opening in our community. They said, well, maybe we can put a tent and see, and the tent proved that yeah, we could handle more capacity. If they'd have built a building early on and it had failed, we'd have a white elephant sitting on the side of the river. Keeping your options open while still within the spirit of the downtown corridor, I think it is acceptable. I just wanted to comment on that aspect of the request.

Hank Roe: Well, in lots of the older, mixed-use buildings in downtown Milford they have first-floor commercial and upper level residential.

John Brumleve: That seems the most likely model.

Pam Holbrook: I checked. Your open space is okay. It doesn't have to be dedicated.

Dale Roe: I get so many calls weekly for apartments.

John Brumleve: Have we merged over to discussion and now we're-

Lois McKnight: We haven't heard from the rest of the audience yet.

Lois McKnight: Are there any other questions for the applicant from the planning commission? Thank you, gentlemen. Is there anyone who would like to speak or ask questions? Please step forward. State your name and address for the record.

Brenda Jacoby: 707 State Route 28. I've not seen any plans. My question is, what are people going to see as they cross the bridge? Is it going to block the view? How far out to the street, Water Street, is it?

John Brumleve: If you've seen where the fence is across from the brewery, it's behind that.

John Wenstrup: Green area's on the street side, so yeah, that pushes it back. I think it focuses your eye. I think one of the things it'll do because it's not lying along with the bridge, but there's that green. It'll put a focus on the Millcroft. That'll just channel your eye to that building.

Lois McKnight: Is there anyone else in the audience that would like to ask a question or make a comment?

Lois McKnight: We don't have any other questions for the applicant to address based on public comment. So is there a discussion by planning commission? To reiterate, we approved the building about a year ago, and they're looking to change the use. To do that in the Milford River District, they need to request the planned development overlay for multifamily use. Thoughts, discussion, comments?

John Wenstrup: I feel good about it. I'm glad that they're sharing with us what they're finding as far as the marketability of the building and that maybe the original plan, especially with the development of the event center and other places opened up. So they were flexible, trying to make sure that the building's highly viable and they're sharing that with us, which I appreciate. Their submission is detailed and annotated, and they're not asking for any special favors.

Lois McKnight: Yes, they are.

John Wenstrup: Well, they're not asking for special favors. They're not asking to change zoning. That's a special favor. They're asking us to revise their request. They're not putting a restaurant. They're changing that front, and those changes all seem acceptable to me, Ms. McKnight.

Lois McKnight: I think their proposed use is fine.

Dino Pelle: I do too. I'm totally okay with this as is.

Hank Roe: Pam, you had a condition about the dumpster screen matching materials of the building. Maybe I did not identify that, but we have always planned on having that a masonry, brick veneer, concrete block structure.

Pam Holbrook: That detail would be noted during the final development plan review.

Lois McKnight: Discussion or anyone ready to make a motion?

John Brumleve: I will make a motion. I would like to move that we recommend the application be granted as requested with the staff recommendations. The city approval is contingent on review and approval by the city engineer, and applicable federal, state and local agencies and screen the dumpster with material to match the building.

Lisa Evans: Second.

Lois McKnight: I have a motion and a second to recommend approval of the application with two conditions as recommended by staff. Pam, would you call the role, please?

All Commission members voted Yes to recommend approval. The motion carried 5-0.

Lois McKnight: Any other business to come before planning commission this evening, Pam?

Dino Pelle: Yes. I would like to formally apologize to John and the planning commission for my outburst earlier. I just want it noted on the record. I'm sorry.

John Wenstrup: Thank you. He did so privately as well, and I appreciate the opportunity to share my enthusiasm for protecting our neighborhoods as our downtown grows. I will not stop doing that. You can get rid of me. You could, just so you know.

Dino Pelle: That's all I needed to do.

There being no further business or comments to come before the Planning Commission, Ms. McKnight made a motion to adjourn the meeting at 9:15 PM, seconded by Mr. Pelle. Following a unanimous decision, the ayes carried.

Assistant City Manager

Lois McKnight, Chairman